(2)

CF0000064168

Single Bench (Criminal)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

Criminal Appeal No. 1339 of 2000

Appellants (on bail): 1. Thandaram, sonof Kriparam Sahu, aged 36 years, (A-4)

2. Teganram alias Ramsharan, son of Godam Sahu, aged 32 years. (A-5)

(Both residents of Village Bilari, PS Shivri Narain, District Champa-Janjgir (MP)

Versus

Non-applicant: The State of M.P. through Police Station, Shivrinarayan, Distt. Janjgir-Champa (MP)

CRIMINAL APPEAL UNDER SECTION 374(2) OF THE CODE OF CRIMINAL PROCEDURE:

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..Cr.A.....1329./ 2000 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

PROCEEDINGS OF LOK ADALAT OF THE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)

Coram : Hon'ble Shri Justice Sunil Kumar Sinha,
Member – Lok Adalat and;
Shri Gauri Shankar Agrawal,
Member – Lok Adalat.

03.03.2007

This order shall dispose of Criminal Appeal No.1329/2000 (Milan Kumar and others vs. State of Chhattisgarh), Criminal Appeal No.1339/2000 (Thandaram and others vs. State of Chhattisgarh), Criminal Appeal No.1370/2000 (Yogesh Sahu vs. State of Chhattisgarh) & Criminal Appeal No.1473/2000 (Santu vs. State of Chhattisgarh).

Shri Gautam Khetrapal, Advocate appears in all the Criminal Appeals alongwith the appellants namely Yogesh Sahu, Milan Kumar, Santu, Thandaram, Bhogsai and Shambhunath. It is stated that appellants – Tegnuram @ Ramsharan, who is appellant No.2 in Criminal Appeal No.1339/2000 had expired during the pendency of this appeal on 27.4.2006. All these appellants are identified by Shri Gautam Khetrapal, Advocate, which shall be certified in the order sheet.

Complainants/victims namely Siyaram Suryavanshi and Chhotelal Suryavanshi, who are the real brothers, are also present

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मामला क्रमांक ..Cr.A...1329/2000 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

along with their counsel namely Shri Rakesh Sahu. Shri Sahu submits that he personally knows the complainants/victims.

Let a certification to this effect be done in the order sheet.

Shri Arun Sao, Govt. Advocate appears for the State in all the Criminal Appeals.

All these 4 Criminal Appeals have been referred to the Lok Adalat on the basis of I.A. Nos.476/2007 and 473/2007 filed in Criminal Appeal No.1329/2000, I.A. Nos.477/2007 and 474/2007 filed in Criminal Appeal No.1339/2000, I.A. Nos.475/2007 and I.A. No.471/2007 filed in Criminal Appeal No.1370/2000 and I.A. Nos.478/2007 and 472/2007 filed in Criminal Appeal No.1473/2000, by which, both the parties (appellants/accused persons and the complainants/victims) have separately prayed for compounding the offences, in which, the appellants have been convicted by the Court below and also for giving them permission to compound the same.

Apart from this, I.A. No.491/2007, I.A. No.488/2007, I.A. 489/2007 and I.A.490/2007 have also been separately filed today under Section 320(5) of the Code of Criminal Procedure in all the Criminal appeals praying for permission to compound the offence in the above 4 pending Criminal Appeals.

A perusal of the record of the Special Criminal Case No.63/96 would show that 8 accused persons namely Yogesh Sahu, Milan Kumar, Santu, Thandaram, Tegnuram @ Ramsharan, Godam, Bhogsai and Shambhunath were tried by the Special Court

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मामला क्रमांक ...CrA-1329/2000... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

(Scheduled Castes and Scheduled Tribes {Prevention of Atrocities} Act), Bilaspur. Accused – Godam had died during the pendency of the Criminal Case itself. Other accused persons were convicted by the said Court under Section 427 of IPC on 28/4/2000. However, accused/appellant namely Yogesh was also convicted under Section 323 of IPC and for Section 427 of IPC, they were sentenced to undergo R.I. for 1-1year and to pay a fine of Rs.500-500/-, in default of payment of fine to further undergo R.I. for 2-2 months and for Section 323 of IPC, accused/appellant – Yogesh was further sentenced to undergo R.I. for 5-5 months in 2 counts and the sentences were directed to run concurrently. It is against this judgment of conviction and sentence, the appellants have filed these appeals, in which, the above applications have been filed by both the parties for compounding the offences.

We have personally enquired from the parties present before us regarding the compromise.

They have accepted the compromise and expressed that they have compromised the case and the complainants/victims do not want that the accused persons should be sent to jail in this matter.

However, in abundant caution, we have recorded the statements of both the victims namely Siyaram Surayanshi and Chhotelal Suryavanshi.

The conviction under Section 427 of IPC has been awarded for causing loss and damages to the property of victim – Siyaram, whereas, conviction under Section 323 of IPC has been awarded for

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मामला क्रमांक ...CA-1329/2000... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 4	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

causing hurt to Siyaram as well as Chhotelal. These offences are compoundable under Section 320 of Cr.P.C. by the persons to whom the hurt is caused, in case of Section 323 of IPC and to whom the loss or damage is caused, in case of Section 427 of IPC.

Since we are satisfied that the parties have entered into a compromise and all the parties appearing before us, except the deceased/appellant – Tegnuram @ Ramsharan – appellant No.2 in Criminal Appeal No.1339/2000, have accepted the compromise, therefore, we permit them to compound the offences and in consequence thereof, we allow their compromise and we deem it proper to drop the proceedings of these Criminal Appeals on the basis of composition of the offences under Section 320 (1) read with Section 320(5) and 320(8) of Cr.P.C.

The proceedings of all the 4 Criminal Cases are hereby dropped on the basis of composition and the accused persons/appellants are acquitted under Sections 323 and 427 of IPC respectively.

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So far as the accused/appellant No.2 in Criminal Appeal No.1339/2000 namely Tegnuram @ Ramsharan is concerned, we are satisfied on the basis of evidence of complainants/victims themselves that he had expired on 27/4/2006 during the pendency of this appeal and since no application for his substitution has been filed, therefore, we declare his appeal to be abated on the ground of non-substitution after the period of one month from the date of expiration.

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मामला क्रमांक ..Cr.A.....1329/2000 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Accordingly, all the Criminal Appeals stand disposed of on the basis of compromise entered into between the parties. The deposition sheets recorded by the Lok Adalat and this original order shall be kept in the record of Criminal Appeal No.1329/2000 and the photocopies of this order shall be kept in the records of other 3 Criminal Appeals. **Sd/-** **Member - Lok Adalat** High Court of Chhattisgarh BILASPUR	**Sd/-** **(Justice Sunil Kumar Sinha)** Member - Lok Adalat High Court of Chhattisgarh BILASPUR

LOK ADALAT
High Court of Chhattisgarh, Bilaspur

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